IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE TWENTY NINTH DAY OF JUNE
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE S.ANANDA REDDY

-

WRIT PETITION NO : 13940 of 2005

Between:

Nadendla Benarjee S/o Sri Venkateswarlu
R/o D. NO. 7-17/3, Velama Street, Bobbili Vizianagaram District

..... PETITIONER

AND

1. The Chief Engineer (R&B) Roads, Erramanzil, Hyderabad.
2. The Superintending Engineer R&B Circle, Seetammadhara, Visakhapatnam.
3. The Pay & Accounts Officer, YRC. Wing Maharanipet, Visakhapatnam-13.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue an appropriate Writ, order or direction more particularly one in he nature of writ of Mandamus declaring the action of the respondents in recovering the seigniorage charges on ordinary earth from the bills of the petitioner in respect of agreement C.R. NO. 109/2001-02 entered into with the 2nd respondent, as illegal arbitrary and without authority of law and consequently direct the respondents to repay the amount recovered towards seigniorage charge on ordinary earth from the bills of the petitioner under the above said agreement forthwith.

Counsel for the Petitioner: MR.N.SIVA REDDY

Counsel for the Respondents: GP FOR ROADS & BUILDINGS

The Court at the admission stage made the following:

ORDER:

At the time of hearing, the learned counsel for the petitioner placed a copy of the judgment of a Division Bench of this Court in W.P.No.2054 of 2004, wherein the Division Bench passed the following order:

> "Following the said view we allow the writ petition directing the respondents not to collect any seigniorage charges from the petitioner for digging ordinary earth in respect of execution of contract work covered under the agreement. No costs. However, we make it clear that if the tax is included in the estimate on the earthwork component, it can be deducted as per G.O.Ms.No.23, dated 05.03.1999."

In view of the above said order of the Division Bench, this writ petition is disposed of directing the respondents not to collect the seigniorage fee on the ordinary earth, if there is no specific reference in the terms of the agreements entered into between the parties and if the said seigniorage charges are not taken into account while assessing the cost of the work entrusted to the petitioner. No costs.

29.06.2005

VGB

To

1. The Chief Engineer (R&B) Roads, Erramanzil, Hyderabad.
2. The Superintending Engineer, R&B Circle, Seetammadhara, Visakhapatnam.
3. The Pay & Accounts Officer, YRC. Wing Maharanipet, Visakhapatnam-13.
4. 2CCs to the Government Pleader for Roads and Buildings, High court Buildings, Hyderabad. (OUT)
5. 2CD copies.